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HUMAN RIGHTS COMMITTEE

Consideration of reports submitted by States parties
under article 40 of the Covenant

Comments of the Human Rights Committee

Burundi

1. The Committee considered the initial report of Burundi (CCPR/C/68/Add.2) at its 1178th, 1182nd and 1183rd meetings, held on 19, 21 and 22 October 1992, and adopted* the following comments:

A. Introduction

2. The Committee welcomes the willingness of the Government of the State party to cooperate and to enter into a constructive dialogue with the Committee on the application of the Covenant in Burundi, as evidenced by the timely submission of its initial report, the sending of a high-level delegation to present the report and the submission of an additional document updating the information contained in the initial report. The Committee has, however, noted that the report did not conform to the Committee's general guidelines for the preparation of initial reports. The Committee commends Burundi for the core document (HRI/CORE/1/Add.16) submitted in accordance with the consolidated guidelines for the initial part of reports submitted under the various international human rights instruments (HRI/1991/1).

* At the 1203rd meeting (forty-sixth session), held on 5 November 1992.

3. Since neither the initial report nor the additional document contained sufficient information on the actual application of the Covenant, in particular information on the factors and difficulties affecting the implementation of the Covenant's provisions, it was difficult for the Committee to obtain a clear picture of the real human rights situation in the country.

B. Positive aspects

4. The Committee has noted that recently a number of developments had taken place in Burundi that may have a positive effect on the human rights situation in the country, including the opening towards pluralism; the promulgation of a new constitution; the ratification of a number of international human rights instruments; the establishment of a Centre for the promotion of human rights; and the agreement of the Government to the establishment of independent associations for the protection and promotion of human rights. Although there is still much to be done, the Committee welcomes the implementation of a policy of voluntary repatriation, resettlement, and social and occupational reintegration of Burundian refugees.

C. Factors and difficulties impeding the application of the Covenant

5. The Committee has noted that the upheavals that took place in the country in 1988, 1991 and 1992, had a negative impact on the human rights situation in Burundi as a whole, and seriously affected compliance with the provisions of the Covenant. Furthermore, constitutional provisions stipulating that the enjoyment of human rights had, in many instances, to be subordinated to the imperatives of public order, hindered the effective implementation of the Covenant. The Committee has also noted the absence of laws giving effect to constitutional provisions on human rights, the shortage of legal personnel and the large backlog of cases before the courts, all of which hinder the effective protection of human rights.

D. Principal subjects of concern

6. The Committee expresses concern about the general inadequacy of the legal and other measures designed to promote and protect human rights and, especially, about the various constitutional limitations on the effective enjoyment of human rights. The Committee is alarmed over the cases of extra judicial executions and of torture documented in the reports prepared by the Special Rapporteurs of the Human Rights Commission on those subjects (E/CN.4/1992/30 and E/CN.4/1992/17) and as also reported by various non-governmental organizations. In that connection, the Committee observes that no derogations from articles 6 and 7 are permitted by the Covenant under any circumstances. The Committee has also noted that effective remedies to victims of human rights violations, as envisaged in article 2, paragraph 3, of the Covenant, are not available. In addition, the absence of legal provisions prohibiting illegal detention, and of a habeas corpus procedure, seriously undermine the rights to liberty and security of person as set forth in article 9 of the Covenant. The non-conformity of legislation and actual practice with articles 18 and 19 of the Covenant was also of special concern.

E. Suggestions and recommendations

7. The Committee recommends that a determined effort be made to bring national laws and practice more closely into conformity with the Covenant's provisions, that the use of excessive force by law enforcement officers should be effectively prevented and that, in conformity with articles 2, 26 and 27 of the Covenant, the rights of persons belonging to minorities living in the country ought to be given full protection. It is also recommended that Burundi's second periodic report should be prepared in conformity with the Committee's general guidelines and provide comprehensive information on measures undertaken, both in law and in practice, to give effect to the provisions of the Covenant.

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